

Amendment No. 4 to HB0714

McCord
Signature of Sponsor

AMEND Senate Bill No. 679

House Bill No. 714*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-405, is amended by deleting the section in its entirety and by substituting instead the following:

§ 39-14-405.

(a) A person commits criminal trespass if the person enters or remains on property, or any portion thereof, without the consent of the owner. Consent may be inferred in the case of property that is used for commercial activity available to the general public or in the case of other property when the owner has communicated the owner's intent that the property be open to the general public.

(b) It is a defense to prosecution under this section that:

(1) A person entered or remained on property that the person reasonably believed to be property for which the owner's consent to enter had been granted;

(2) The person's conduct did not substantially interfere with the owner's use of the property; and

(3) The person immediately left the property upon request.

(c) The defenses to prosecution set out in subsection (b) shall not be applicable to a person violating this section if the property owner posts the property with signs that are visible at all major points of ingress to the property being posted and the signs are reasonably likely to come to the attention of a person entering the property.

(d) For purposes of this section, "enter" means intrusion of the entire body.

(e) Entering or remaining on railroad or utility right-of-way property by an adjoining landowner for usual and customary activities of the type defined in §§ 1-3-105(2)(A)(i-ii), (B), and (C) and 43-1-113(a), (b)(1)(A-B), (b)(2) and (b)(3) shall not be considered trespass under this section. This subsection (e) shall not apply if the railroad or utility right-of-way owner, by a personal communication or posting at the site by someone with either actual authority or apparent authority to act for the railroad or utility right-of-way owner, has communicated to the adjoining landowner that the activity is not permitted.

(f) Criminal trespass is a Class C misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 8-21-205, is amended by inserting the language "Tennessee Revised Limited Liability Company Act compiled in Title 48, Chapter 249" between the language "248," and the language "Tennessee Revised Uniform Limited Partnership Act".

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.